

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|------------------------|---|----------------------------|
| BRYONE ARNOLD, #169274 | § | |
| VS. | § | CIVIL ACTION NO. 6:18cv573 |
| STATE OF TEXAS | § | |

ORDER OF DISMISSAL

Petitioner Bryone Arnold, a pretrial detainee confined in the Smith County Jail, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered petition for a writ of habeas corpus concerning his Smith County indictment for the offense of forgery of a financial instrument in Cause Number 114-1021-18. Petitioner also complains that he has a pending “blue-warrant.” Petitioner’s criminal trial is currently set for March 4, 2019. He acknowledges that he has not exhausted his state habeas corpus remedies prior to bringing the lawsuit. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed without prejudice for failure to exhaust state habeas corpus remedies. (Dkt. #18). Petitioner has filed objections. (Dkt. #19).

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections

of Petitioner are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is accordingly

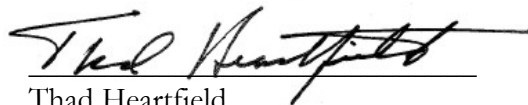
ORDERED that the Report and Recommendation (Dkt. #18) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for failure to exhaust state habeas corpus remedies. It is further

ORDERED that a certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this the 1 day of **March, 2019**.


Thad Heartfield
United States District Judge